

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

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|------------------------------------|---|------------------------------------|
| Thomas L. Taylor, |) | Civil Action No. 3:10-3177-MJP-PJG |
| a/k/a Thomas Leon Taylor |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | <u>ORDER</u> |
| Henry Taylor and Gloria C. Taylor, |) | |
| |) | |
| Defendants, |) | |
| _____ |) | |

This matter is before the Court pursuant to a Report and Recommendation submitted on February 10, 2011 by United States Magistrate Judge Paige J. Gossett, to whom it was referred for review under 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rules. In the underlying action, Plaintiff Thomas L. Taylor ("Plaintiff"), proceeding *pro se*, seeks monetary and injunctive relief from his Grandfather Henry Taylor and step-grandmother Gloria C. Taylor alleging that they unlawfully took social security benefits money away from him. Plaintiff specifically asserts claims against the Defendants for committing "the crime of forgery," stripping him of his "equal liberties," and subjecting him to "cruel and unjust acts of punishments" and "mental anguishes." In the Report and Recommendation, the Magistrate Judge recommends that the Court dismiss this action without prejudice and without issuance and service of process.

I. BACKGROUND

Plaintiff commenced this action against the Defendants on December 15, 2010. The instant Complaint is nearly identical to a previous Complaint filed by Plaintiff on April 29, 2003.

See Taylor v. Taylor, Civil Action No. 3:03-cv-01362-MJP (D.S.C. filed April 29, 2003). This Court summarily dismissed Plaintiff's prior Complaint and that decision was not appealed by Plaintiff. Taylor v. Taylor, Civil Action No. 3:03-cv-01362-MJP, Docket No. 6 (D.S.C. filed May 27, 2003).

In the instant matter, Plaintiff makes essentially the same allegations and requests the same relief from the Defendants as in his prior Complaint. Under established local procedure in this judicial district, a careful review was made of Plaintiff's *pro se* Complaint pursuant to the procedural provisions of 28 U.S.C. § 1915.¹ On February 10, 2011, the Magistrate Judge issued a Report and Recommendation recommending that the Complaint be dismissed without prejudice for failure to state a claim on which relief may be granted and frivolousness.² Thereafter, Plaintiff did not file any objections to the Magistrate's Report and Recommendation. In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198 (4th Cir. 1983).

II. CONCLUSION

Upon careful consideration of the record and for the reasons stated by the Magistrate Judge, the Court approves the Magistrate Judge's recommendation. Accordingly, this action is

¹ Section 1915 permits an indigent litigant to commence an action in federal court without prepaying the administrative costs of proceeding with the lawsuit. To protect against possible abuses of this privilege, the statute allows a district court to dismiss the case upon a finding that the action "fails to state a claim on which relief may be granted," "is frivolous or malicious," or "seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B).

² The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the magistrate judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

hereby **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/Matthew J. Perry, Jr.
MATTHEW J. PERRY, JR.
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
May 5, 2011